

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LEILA GREEN LITTLE, JEANNE
PURYEAR, KATHY KENNEDY,
REBECCA JONES, RICHARD DAY,
CYNTHIA WARING, AND DIANE
MOSTER,

Plaintiffs,

v.

LLANO COUNTY, RON CUNNINGHAM,
in his official capacity as Llano County
Judge, JERRY DON MOSS, in his official
capacity as Llano County Commissioner,
PETER JONES, in his official capacity as
Llano County Commissioner, MIKE
SANDOVAL, in his official capacity as
Llano County Commissioner, LINDA
RASCHKE, in her official capacity as Llano
County Commissioner, AMBER MILUM,
in her official capacity as Llano County
Library System Director, BONNIE
WALLACE, in her official capacity as
Llano County Library Board Member,
ROCHELLE WELLS, in her official
capacity as Llano County Library Board
Member, RHONDA SCHNEIDER, in her
official capacity as Llano County Library
Board Member, and GAY BASKIN, in her
official capacity as Llano County Library
Board Member,

Defendants.

§ Case No. 5:22-CV-00400-JKP

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**PLAINTIFFS' RESPONSE TO THE COURT'S APRIL 28, 2022 ORDER REGARDING
TRANSFER OF VENUE TO THE AUSTIN DIVISION**

On April 28, 2022, the Court provided notice to the parties to the above-entitled matter of its consideration of a *sua sponte* transfer of venue to the Austin Division of the Western District of Texas, and provided the parties with an opportunity to file a motion or brief on or before Monday, May 9, 2022. (Dkt. No. 17.) Plaintiffs hereby submit this response to the Court’s Order.

Plaintiffs consent to a transfer of venue to the Austin Division. Additionally, Plaintiffs respectfully request that the Court vacate the May 13, 2022 hearing and issue an order transferring this action to the Austin Division as soon as practicable.

Plaintiffs intend to file a motion for preliminary injunction asserting that Plaintiffs are suffering immediate and irreparable injury caused by Defendants’ actions and seeking to enjoin Defendants from future violations of Plaintiffs’ constitutional rights. Plaintiffs planned to file their motion early this week. However, in light of the Court’s April 28, 2022 Order, and for judicial economy and the convenience of all parties, Plaintiffs will wait to file their preliminary injunction motion until the Court has resolved the issue of venue.

The Court may exercise its discretion to transfer the matter now. *Cf. Jarvis Christian College v. Exxon Corp.*, 845 F.2d 523, 528 (5th Cir. 1988) (rejecting argument that court’s transfer order was invalid because it was issued *sua sponte* without notice or a hearing, explaining that “[w]hile generally a hearing is desirable the lack thereof does not indicate the invalidity of the subsequent [transfer] order. Section 1404 transfers are authorized ‘[f]or the convenience of parties and witnesses, in the interest of justice’ Decisions to effect a 1404 transfer are committed to the sound discretion of the transferring judge, and review of a transfer is limited to abuse of that discretion”) (internal citation omitted); *see also In re Volkswagen, Inc.*, 545 F.3d 304, 315 n.10 (5th Cir. 2008) (explaining that the venue transfer analysis “directly manifests the importance that we must give to the plaintiff’s choice” of forum); *Time, Inc. v. Manning*, 366 F.2d 690, 698 (5th Cir. 1966) (taking note of the “plaintiff’s privilege of choosing venue”).

Accordingly, Plaintiffs respectfully request that the Court transfer this action to the Austin Division without holding a hearing on May 13, 2022, and thereby allow Plaintiffs to move for preliminary injunctive relief as soon as possible.

Dated: May 4, 2022

Respectfully Submitted,

BRAUNHAGEY & BORDEN LLP

/s/ Ellen V. Leonida

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Attorneys for Plaintiffs

**Motion for admission pro hac vice pending*

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CERTIFICATION OF SERVICE

I, Ellen V. Leonida, certify that this 4th day of May, 2022, a copy of the foregoing RESPONSE TO THE COURT'S APRIL 28, 2022 ORDER REGARDING TRANSFER OF VENUE TO THE AUSTIN DIVISION has been electronically filed with the Clerk of the Court using the CM/ECF system, and in addition, served upon all Defendants by placing the same in the United States Mail, postage prepaid, to:

Llano County, c/o County Judge Ron Cunningham
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Llano, Texas 78643

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/s/ Ellen V. Leonida

Ellen V. Leonida